

COMMITTEE AMENDMENT FORM

DATE: 01/29/02

COMMITTEE CITY UTILITIES

PAGE NUM. (S) 2

ORDINANCE I. D. #02-O 0154

SECTION (S) 6

RESOLUTION I. D. #02-R-

PARA.

**AMENDS THE LEGISLATION BY DELETING SECTION 6 AND INSRTING
A NEW SECTION 6 WHICH READS AS FOLLOWS: That cost associated
with this project shall not exceed \$20,000.00 and will be charged to and paid
from Account Number 2J26 574001 Q24J01029999.**

Amendment done by Council Staff 1/29/02.

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**AN ORDINANCE
BY CITY UTILITIES COMMITTEE**

02-0-0154

AN ORDINANCE AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS UNDER THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A. § 32-3-1, ET SEQ. TO ACQUIRE A CERTAIN PARCEL OF LAND LOCATED NEAR THE INTERSECTION OF WELCOME ALL ROAD AND FAIRBURN ROAD, S.W., FOR THE PURPOSE OF CONSTRUCTING A WATER BOOSTER PUMP STATION; AND FOR OTHER PURPOSES

WHEREAS, by Ordinance 00-O-1143, the City of Atlanta previously ordained that a certain parcel of land ("Property") located near the intersection of Welcome All Road and Fairburn Road, S.W., Fulton County, Atlanta, Georgia, was needed to construct a booster pump station; and

WHEREAS, the Director of the Bureau of Purchasing and Real Estate has been unable to successfully negotiate with the owner of the property for acquisition of the property; and

WHEREAS, accordingly, it is necessary to authorize the City Attorney to institute condemnation proceedings under the declaration of taking method in order to acquire the Property;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That the public necessity for immediately acquiring the Property by the power of eminent domain to construct a booster pump station is declared; and, further, a finding is made that the circumstances are such that is necessary and appropriate to proceed with a condemnation action by use of declaration of taking as the method of condemnation, as authorized by O.C.G.A. § 32-3-1, *et seq.*, and use of the that method is authorized.

Section 2: That the City Attorney is authorized to institute condemnation proceedings in the name of the City of Atlanta under the declaration of taking method of condemnation for the acquisition of the Property, as authorized by O.C.G.A. § 32-3-1, *et seq.*, or such other methods as may be authorized by law, as deemed appropriate by the City Attorney.

Section 3: That the City Attorney is authorized and granted discretion to engage the services of outside attorneys and experts to assist with the condemnation of the Property.

Section 4: That the City Attorney is authorized and granted discretion to engage in such settlement discussions or settlement agreements with adverse parties in an effort to resolve or settle the condemnation case.

Section 5: That the Chief Financial Officer is authorized and directed to make all necessary and proper payments required in connection with the condemnation of the Property, including, but not limited to, payment for title searches, appraisals, surveys, attorney fees, other expert services, closing and/or condemnation actions.

Section 6: That costs associated with this project shall not exceed \$20,000 and will be charged to and paid from account number 2J26 574001 Q24J01029999.

Section 7: That all Ordinances or portions of Ordinances in conflict with this Ordinance are repealed.

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: GREG PRIDGEON
(for review & distribution to Executive Management)

Commissioner Signature *Ramblin R. Del. R...*

From: Originating Dept. Water

Contact (names) MELINDA LANGSTON
WATER UTILITY MANAGER (404) 330-6773

Committee(s) of Purview: _____

Committee Deadline: _____

Committee Meeting Date(s) _____

City Council Meeting Date: _____

CAPTION: AN ORDINANCE AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS UNDER THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A. 32-3-1, ET SEQ. TO ACQUIRE A CERTAIN PARCEL OF LAND LOCATED NEAR THE INTERSECTION OF WELCOME ALL ROAD AND FAIRBURN ROAD, S.W., FOR THE PURPOSE OF CONSTRUCTING A WATER BOOSTER PUMP STATION; AND FOR OTHER PURPOSES.

BACKGROUND/PURPOSE/DISCUSSION: TO CONDEMN PROPERTY NEEDED FOR PUMPING STATION. THIS FACILITY IS A NECESSARY PART OF THE WATER DEPARTMENT CIP AND WILL ENHANCE SERVICE TO THE SOUTH FULTON AND WHOLESALE REGIONS OF OUR SERVICE AREA.

FINANCIAL IMPACT (if any):

Mayor's Staff Only

Received by Mayor's Office: 1/14/02 *JV* Reviewed: *[Signature]*
(date) (initials) (date)

Submitted to Council: _____
(Date)

Action by Committee: Approved Adversed Held Amended
Substitute Referred Other